

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	NO. CR05-203RSM
Plaintiff,)	
)	
v.)	GOVERNMENT'S MOTION AND
)	ORDER TO DISMISS THE
BERDA MAE PHILLIPS,)	INDICTMENT
)	
Defendant.)	
_____)	

The United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Norman M. Barbosa, Special Assistant United States Attorney for said District, seeks this Court's leave to dismiss the captioned criminal case as further described below.

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed herein, the United States Attorney's Office for the Western District of Washington hereby dismisses without prejudice the Criminal Indictment, Number CR05-203RSM, pending against Berda Mae Phillips.

Upon further investigation and information, the Government has determined that proceeding on the felonies charged in CR05-203RSM is currently inappropriate. The Government has learned that Ms. Phillips was diagnosed with late stage IV breast cancer. Ms. Phillips has recently gone through radiation treatment (from January, 2006, through March 8, 2006). Defendant and her attorney, Jackie Walsh, have no objections to this Motion to Dismiss.

1 Dated: this 3rd day of May, 2006.

2 Respectfully submitted,

3 JOHN McKAY
4 United States Attorney

5 s/Norman M. Barbosa
6 NORMAN M. BARBOSA
7 Special Assistant United States Attorney
8 WSBA No. 28188
9 United States Attorney's Office
10 700 Stewart Street, Suite 5220
11 Seattle, WA 98101-1271
12 Telephone: (206) 553-4937
13 Fax: (206) 553-0755
14 E-mail: Norman.Barbosa@usdoj.gov

15
16
17
18 **ORDER**

19 Leave of court is hereby GRANTED for the filing of the foregoing dismissal.

20 Dated: this _9_ day of _May_, 2006.

21
22
23
24
25
26
27
28

RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

PRESENTED BY:

s/Norman M. Barbosa
NORMAN M. BARBOSA
Special Assistant United States Attorney